

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DANIEL DEWOSKIN, on behalf of)
himself and all others similarly situated,)

Plaintiff,

V.

DESERT LAKE GROUP, LLC, a Utah)
limited liability company, d/b/a First)
Class Herbalist CBD, and)

DARIN TOONE.

Defendants.

CIVIL ACTION

FILE NO. 1:20-cv-00806-WMR

MOTION TO DISMISS COMPLAINT AS TO DARIN TOONE

Pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(2), and 12(b)(6), Defendant Darin Toone respectfully moves this Court for dismissal with prejudice of all claims asserted against him in Plaintiff's Complaint. Plaintiff's claims against Toone should be dismissed pursuant to Fed. R. 12(b)(1), 12(b)(2), and 12(b)(6) for lack of standing, lack of personal jurisdiction, and failure to state a claim upon which relief can be granted. The grounds in support of Defendant Toone's Motion to Dismiss are set forth in the Memorandum in Support filed contemporaneously herewith.

Respectfully submitted this 28th day of May, 2020.

/s/ David. B. Carpenter

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LOCAL RULE 7.1D CERTIFICATION

In accordance with L.R. 7.1D, the undersigned counsel hereby certifies that, consistent with L.R. 5.1C, the foregoing document was prepared in Times New Roman font, 14 point.

This 28th day of May, 2020.

/s/ David. B. Carpenter
David B. Carpenter

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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorneys of record:

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This 28th day of May, 2020.

/s/ Kristi Ramsay
Kristi Ramsay